

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-054764

09/17/2013

HONORABLE ALFRED M. FENZEL

CLERK OF THE COURT
W. Tenoever
Deputy

AMY OVERMAN

JACK LEVINE

v.

KATHRYN RYAN

MICHAEL S FERRARO

JURY TRIAL SET

Courtroom 102 - NE

8:47 a.m. This is the time set for Telephonic Status Conference. Plaintiff Amy Overman is represented by counsel, Jack Levine. Defendant Kathryn Ryan is represented by counsel, Michael S. Ferraro.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Discussion is held regarding status of the case.

IT IS ORDERED affirming the Oral Argument set for October 4, 2013 at 3:30 p.m. in this division.

IT IS FURTHER ORDERED:

1. This matter is set for Trial to a Jury on **January 13, 2014 at 9:00 a.m.** before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-054764

09/17/2013

Honorable Alfred M. Fenzel
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 102
Phoenix, AZ 85032
(602) 506-7080

Estimated length of trial is: **4 days**.

Counsel are advised that this trial is scheduled as the back-up trial for the above-mentioned dates and that there is a possibility that this case will be sent to case transfer.

Setting a Final Pretrial Conference/Oral Argument on Motions in Limine for **January 3, 2014 at 11:00 a.m.** in this division (time allotted: 1 hour).

2. The joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on December 16, 2013**. In addition to the information required by Rule 16(d), counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth. **Exhibits for trial shall be consecutively numbered and presented to the Clerk for marking in accord with the joint pretrial statement.**

3. Motions in limine shall be due no later than **December 16, 2013**. Said motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial."

Unless prior written leave of Court is obtained for good cause shown, no party may file more than three (3) motions *in limine*, including all subparts. The parties shall not file motions denominated as "*in limine*" that are, in substance, late-filed motions for summary judgment.

4. Responses to motions in limine shall be due no later than **December 23, 2013**. No replies shall be filed.

5. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:

A. Requested jury instructions and any voir dire questions counsel request that the Court ask.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-054764

09/17/2013

The Judge would appreciate counsel providing a copy of the jury instruction requests on a CD in Microsoft Word.

B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

C. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

6. Any PowerPoint or other computer presentations to be used by any expert witness during their testimony shall be disclosed at the time of their expert report and in no event any later than 30 days prior to the taking of their deposition.

7. No later than **January 6, 2014**, counsel or their designated representative shall deliver all trial exhibits along with a list of exhibit descriptions to the clerk of this division. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. The exhibits will be marked numerically and consecutively. Plaintiff(s) exhibits will be marked first followed by Defendant(s). Exhibits will be marked as they are received. The clerk cannot reserve numbers for exhibits that will be provided at a later date. Subsections of exhibits will be marked as the next available number. Do NOT use subsections of exhibits (ex. 4a or 4.1). Please use the next consecutive number. Please DO NOT place exhibits in 3-ring binders when submitting them to the court.

Counsel shall advise the clerk, by signed stipulation or on the record, which exhibits may be marked directly into evidence.

Original depositions are provided to the clerk for filing and are not marked as exhibits. Counsel shall present original depositions at the same time the exhibits are presented.

Charts, blow-ups and oversize items may be used for demonstrative purposes; however, if they are to be marked as an exhibit, an 8 ½ x 11 photocopy or photograph of the oversized item must be provided and will be substituted for the oversize item at the end of trial.

If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.

For additional assistance in preparation of exhibits contact the courtroom clerk at (602) 372-7726.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-054764

09/17/2013

8. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

9. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

10. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

8:54 a.m. Hearing concludes.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three (3) court days before the scheduled hearing.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.